

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

FITBIT, INC.

Defendant.

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C.A. No. 1:19-cv-11586-IT

**JOINT MOTION TO EXTEND SCHEDULE**

Plaintiff Philips North America LLC (“Philips”) and Defendant Fitbit, Inc. (“Fitbit”) respectfully jointly move the Court to extend certain deadlines set forth in the Scheduling Order, (Dkt. 54), as proposed in the table below. The realities of attorney, and expert witness schedules in a work-from home situation during the COVID-19 pandemic have complicated efforts to comply with the existing schedule. The proposed revised schedule addresses some of those complications, and provides the parties with the ability to craft their completion of discovery with the expected guidance of the Court’s rulings on the pending Motion to Dismiss, and Claim Construction order.

For good cause shown, the parties request the Court amend the Scheduling Order as follows:

Event	Previous Deadline (Dkt. 54)	Proposed dates
<b>Fact Discovery.</b>		
Close of fact discovery	October 14, 2020	December 11, 2020
Supplemental disclosures under Rule 26(e)	October 14, 2020	December 11, 2020
Deadline for fact discovery motions	October 21, 2020	December 18, 2020
<b>Expert Discovery.</b>		
Opening expert reports regarding issues as to which a party bears the burden shall be filed	November 18, 2020	January 22, 2021
Rebuttal expert reports	January 6, 2021	March 4, 2021
Close of expert discovery, including expert depositions	February 18, 2021	April 2, 2021
Deadline for expert discovery motions	February 25, 2021	April 9, 2021
<b>Dispositive Motions.</b> Dispositive motions, such as motions for summary judgment or partial summary	March 19, 2021	May 21, 2021

judgment and motions for judgment on the pleadings		
<b>Initial Pretrial Conference.</b>	June 23, 2021	September 17, 2021 or at the Court's convenience.

Dated: September 18, 2020

PHILIPS NORTH AMERICA LLC,

By its attorneys,

/s/ Ruben R. Rodrigues  
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Respectfully submitted,

FITBIT, INC.

By Its Attorneys,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above document was served on September 18, 2020 on counsel for Defendant via electronic mail.

/s/ Ruben J. Rodrigues